

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**MICHAEL SCHILLER, et al.,**

**Plaintiff,      NOTICE OF MOTION**

**-against-**

**THE CITY OF NEW YORK, et. al,**

**04-Civ-7922 (RJS)(JCF)**

**Defendants.**  
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**CONSOLIDATED RNC CASES<sup>1</sup>**

**(RJS)(JCF)**  
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**PLEASE TAKE NOTICE** that, upon the annexed Local Civil Rule 56.1 Statement, dated October 3, 2011; the Declaration of Assistant Corporation Counsel Jeffrey A. Dougherty, dated October 3, 2011 and the exhibits annexed thereto; the Declaration of David Cohen, dated October 3, 2011 and the exhibits annexed thereto; the Declaration of Carl R. Holmberg, dated October 3, 2011, and the exhibits annexed thereto; the Declaration of Brian M. Jenkins, dated October 3, 2011; the accompanying Memorandum of Law; and upon all prior pleadings and proceedings had herein, Defendants will move this Court before the Honorable Richard J. Sullivan, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl St. New York, New York 10007, at a date and time to be determined by the Court, for summary judgment pursuant to Rule 56 of the

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<sup>1</sup> Attached to this Notice of Motion please find an appendix of the specific RNC cases in which this motion is being filed. ("Appendix 1").

Federal Rules of Civil Procedure to dismiss all of plaintiffs' federal and state law claims based on: (i) the policy not to issue summonses to individuals engaged in criminal conduct that was related to the RNC in favor of custodial arrest (during which arrestees would either receive a desk appearance ticket if qualified or be arraigned); and (ii) the policy that all RNC arrestees were to be fingerprinted as part of their arrest processing; and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that opposition papers, if any, must be served on the undersigned on or before November 3, 2011 pursuant to the Court's prior order.

Dated: New York, New York  
October 3, 2011

MICHAEL A. CARDOZO  
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By:   
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Jeffrey A. Dougherty  
Peter G. Farrell  
Fred M. Weiler

TO: RNC Plaintiffs' Attorneys to the cases in Appendix

**APPENDIX 1**

1. *Abdell v. City of New York 05cv8453*
2. *Adams v. City of New York 05cv9484*
3. *Araneda v. City of New York 05cv9738*
4. *Bastidas v. City of New York 05cv7670*
5. *Biddle v. City of New York 05cv1570*
6. *Botbol v. City of New York 05cv1572*
7. *Bunim v. City of New York 05cv1562*
8. *Coburn v. City of New York 05cv7623*
9. *Cohen v. City of New York 05cv6780*
10. *Concepcion v. City of New York 05cv8501*
11. *Crotty v. City of New York 05cv7577*
12. *Dinler v. City of New York 04cv7921*
13. *Drescher v. City of New York 05cv7541*
14. *Dudek v. City of New York 04cv10178*
15. *Eastwood v. City of New York 05cv9483*
16. *Epstein v. City of New York 05cv1563*
17. *Galitzer v. City of New York 05cv7669*
18. *Garbini v. City of New York 05cv1565*
19. *Greenwald v. City of New York 05cv1566*
20. *Grosso v. City of New York 05cv5080*
21. *Jusick v. City of New York 07cv7683*
22. *Kennedy v. City of New York 07cv7678*

23. *Lee v. City of New York* 05cv5528
24. *Lalier v. City of New York* 05cv7580
25. *Macnamara v. City of New York* 04cv9216
26. *Manders v. City of New York* 07cv7752
27. *Meehan v. City of New York* 05cv5268
28. *Moran v. City of New York* 05cv1571
29. *Pagoda v. City of New York* 05cv7546
30. *Phillips v. City of New York* 05cv7624
31. *Pickett v. City of New York* 05cv1567
32. *Portera v. City of New York* 05cv9985
33. *Rigby v. City of New York* 07cv7751
34. *Ryan v. City of New York* 05cv1564
35. *Schiller v. City of New York* 04cv7922
36. *Sikelianos v. City of New York* 05cv7673
37. *Sloan v. City of New York* 05cv7668
38. *Stark v. City of New York* 05cv7579
39. *Tikkun v. City of New York* 05cv9901
40. *Tremayne v. City of New York* 05cv1568
41. *Winkleman v. City of New York* 05cv2910
42. *Xu v. City of New York* 05cv7672